



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy No. DOC 1.3.46	Subject: EMPLOYEE MEAL AND REST BREAKS
Chapter 1: ADMINISTRATION AND MANAGEMENT	Page 1 of 3
Section 3: Human Resource Bureau	Effective Date: Dec. 28, 2006
Signature: /s/ Mike Ferriter, Director	Revised: 12/15/08; 02/15/11

I. POLICY

The Department of Corrections provides employees with meal and rest breaks that comply with state policy and state and federal labor laws. Employee breaks will be based on facility staffing patterns, operational needs, and security requirements.

II. APPLICABILITY

All Department divisions, facilities, and programs.

III. DEFINITIONS

Administrator – The official, regardless of local title (division or facility administrator, bureau chief, warden, superintendent), ultimately responsible for the division, facility or program operation and management.

IV. DEPARTMENT DIRECTIVES

A. General Provisions

1. Rest/Coffee Breaks:

- a. the Department allows two fifteen-minute rest/coffee breaks per shift when this does not interfere with the accomplishment of assigned duties. One break may be taken during the first half of the work period, and one break may be taken during the second half of the work period;
- b. rest/coffee breaks are good practice, but are not an entitlement and may be withheld as workload or schedules dictate. Employees are not entitled to additional compensation or time off for missed breaks;
- c. rest/coffee breaks do not accumulate and may not extend the lunch period nor be used to start late or leave early;
- d. breaks must be taken as prescribed by management; and
- e. administrators may require employees who work at facilities or in programs that house offenders to remain on the facility grounds during rest/coffee breaks.

2. Meal Breaks:

- a. employees are entitled to one meal break per work period;
- b. employees who are provided a paid meal break must remain on the employer's premises and must keep their immediate supervisor informed of their whereabouts;
- c. employees who receive paid meal breaks must return to work if business needs exist. When meal breaks are interrupted, supervisors will attempt to allow continuation of the break as soon as possible; and

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- d. meal periods (paid or unpaid) may not be used to start work late or to leave work early.

B. Secure Facility Breaks

1. The Department recognizes that its secure facilities have unique environments and operational needs.
2. Facility administrators will:
 - a. establish procedures to address employee meal period compensation;
 - b. ensure procedures comply with the provisions of this policy; and
 - c. review procedures for adherence to federal and state labor laws.
3. Applicable staff is eligible for a 30 minute paid meal period regardless of established work schedules, i.e., eight, ten, or twelve hour shifts.
4. Facility administrators, wardens, superintendents, and deputy wardens are not eligible to receive a paid meal period.
5. Employees must remain on-site at the facility during the meal period. An employee who leaves the facility for training, meetings, or any other personal business reason is not eligible for the paid meal period and must take appropriate accrued leave, or work additional time beyond the allowed 30 minute meal period, to offset this time.
6. While on a meal break, employees must be available to respond to either routine or emergency facility business needs.
7. Employees may be required to provide security duties while taking their meal break.
8. Supervisors will schedule employee meal breaks to ensure employee and facility needs are met and will not schedule meal periods to allow employees to leave their shifts early.
9. Employees may periodically interrupt their regular duties during a shift to attend to personal needs such as restroom breaks, accessing vending machines, and obtaining beverages but are not entitled to two fifteen minute “rest/coffee breaks” on shift.

C. Alternative Meal Break Periods

1. Employees who wish to extend their meal break period to participate in health, wellness, or other activities must take appropriate accrued leave or work additional time beyond the allowed 30 minute meal period to offset this additional time, provided this activity is approved in advance by their immediate supervisors.
2. Alternative meal breaks may be taken up to 1.5 hours in length.

V. CLOSING

Provisions of this policy not required by statute will be followed unless the provisions conflict with negotiated labor contracts, which will take precedence to the extent possible.

Questions concerning this policy should be directed to Human Resource Bureau.

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VI. REFERENCES

- A. [24.16.1006](#), *Admin. R. Mont.; Rest and Meal Periods, Department of Labor & Industry*

VII. ATTACHMENTS

None.